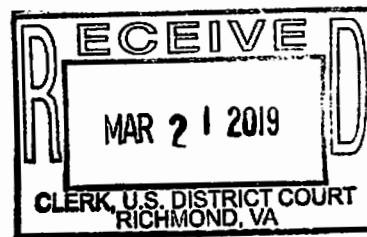


URGENT MEMORANDUM

MARCH 17, 2019

U.S. DISTRICT COURT  
EASTERN DISTRICT COURT  
701 EAST BROAD ST, SUITE 300  
RICHMOND, VA. 23214



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RE: CIVIL ACTION NO. 3:14CV852

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DEAR JUDGE PAYNE . . . THE HONORABLE COURT

I WILL BE FILING MY CIVIL ACTION COMPLAINT PURSUANT TO  
42 U.S.C. 1985 AND 1986

THE MAJORITY RULED ON JUNE 26, 2018 THAT ELEVEN HOUSE  
DISTRICTS WERE IN FACT "UNCONSTITUTIONALLY" GERRYMANDED.  
RACE WAS THE PREDOMINATE FACTOR.

PETITIONER IS FULLY AWARE THAT [H]E'S UNABLE TO VOTE IN THE  
COMMONWEALTH OF VIRGINIA . . . HOWEVER . . .

THE HOUSE DISTRICTS THAT WERE UNCONSTITUTIONALLY  
GERRYMANDED IN 2011 WERE PREVENTING THE PETITIONER  
FROM FILING AN APPLICATION FOR WRIT OF HABEAS CORPUS.

PLEASE SEE 28 U.S.C. 2244(d)(1)(B)

THE STATE CREATED IMPEDIMENT EXISTED SINCE 2011 AND HAS NOT BEEN REMOVED UNTIL 2019 UNDER THE 4<sup>TH</sup> CIRCUIT'S DIRECTION TO BEGAN REDRAWING THE DISTRICT LINES.

THE REPUBLICAN PARTY - - WILLIAM HOWELL, HOUSE SPEAKER, M. KIRKLAND COX HOUSE SPEAKER, DELEGATE CHRIS JONES, JOHN MORGAN, DEMOGRAPHER.

THE VA. STATE BOARD ELECTIONS - - EDGARDO CORTES, COMMISSIONER, JAMES B. ALCORN, CHAIRMAN, CLARA BELLE WHEELER, VICE-CHAIR, AND SINGLETON B. MCALLISTER, SECRETARY - -

THE DEFENDANTS CONSPIRED TO PREVENT, OR HINDER THE PETITIONER FROM EXERCISING A CONSTITUTIONAL RIGHT - - PREVENTING PETITIONER FROM SECURING A CONSTITUTIONAL RIGHT IN VIOLATION OF THE EQUAL PROTECTION AND DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT.

WHEN THE HONORABLE COURT DECLARED THE ELEVEN HOUSE DISTRICTS UNCONSTITUTIONAL WHICH VIOLATED VIRGINIA CONSTITUTION AND LAWS OF THE COMMONWEALTH AND THE UNITED STATES BECAUSE THE DISTRICT LINES WERE DRAWN BASE UPON THE COLOR OF A PERSON'S SKIN, EQUAL PROTECTION. SEE 28 U.S.C. 2244(d)(1)(B)

THE HONORABLE COURT FOUND THAT RACE WAS THE PREDOMINATE FACTOR .

SINCE 2016 , CRIMINAL JUSTICE REFORM LEGISLATION WAS INTRODUCED  
TO AFFORD A SPECIAL CLASS OF DISENFRANCHISED INDIVIDUALS CURRENTLY  
INCARCERATED RELIEF BECAUSE OF AN INJUSTICE THAT RESULTED IN  
OUTRAGEOUS SENTENCES DUE TO MISINFORMED JURORS ON THE FACTS  
ABOUT PAROLE ABOLISHMENT. SEE FISHBACK V. COMM, 260 VA. 104 (JUNE 9, 2000)

THE RELIEF IN THE HOUSE AND SENATE BILLS WERE RESENTENCE HEARINGS,  
AND PAROLE ELIGIBILITY.

THE REASON WHY PETITIONER HAS NOT BEEN RESENTENCED, AND PAROLE ELIGIBLE  
IS BECAUSE OF THE RACIAL GERRYMANDERING OF THE HOUSE DISTRICT LINES  
IN YEAR 2011.

HAD NOT THOSE DISTRICT LINES BEEN ILLEGALLY DRAWN, SENATE BILL 216  
DAVID MARSDEN PROPOSED IN 2016 WOULD HAVE PASSED IN YEAR 2016.  
FORMER SEN. JENNIFER T. WEXTON'S SB825 PROPOSED RESENTENCING IN  
YEAR 2017, DELEGATE JOSEPH C. LINDSEY PROPOSED HB1314 ( PAROLE ELIGIBILITY)

ALL LEGISLATIONS WHICH PASSED IN THE STATE SENATE, [B]UT  
UNFORTUNATELY KILLED IN THE HOUSE OF DELEGATES WHICH WAS  
RECENTLY DECLARED RACIALLY GERRYMANDERED ON JUNE 26, 2018.

THE CONSPIRACY WAS EXECUTED BY INITIALLY TARGETING THE BLACK VOTERS IN THE HOUSE DISTRICTS WHERE THE MAJORITY OF BLACK POPULATION RESIDED, AND THE LARGEST POPULATION WHERE THE DISENFRANCHISED BLACK INCARCERATED LIVED PRIOR TO GOING TO PRISON.

WHEN THE HONORABLE COURT RULED THAT RACE WAS THE PREDOMINATE FACTOR IN DRAWING THE DISTRICT LINES, THEY DID NOT HAVE A CRYSTAL BALL TO SEE INTO THE FUTURE THAT THE RACIAL SORTING OF VOTERS WOULD ALSO VIOLATE A PRISONER'S DUE PROCESS AND EQUAL PROTECTION RIGHTS AS WELL.

UNDER 42 U.S.C. 1985(2) THE COURT WILL FIND A HINDERANCE CLAUSE .

- (i) DEFENDANTS CONSPIRED TO COMMIT THE PREVENTION, OR HINDERANCE THE PETITIONER FROM SECURING A CONSTITUTIONAL RIGHT IN VIOLATION OF DUE PROCESS AND EQUAL PROTECTION CLAUSE OF THE 14<sup>TH</sup> AMENDMENT.
- (ii) THE DEFENDANTS IN THE STATE BOARD OF ELECTIONS KNEW THE LAWS UNDER THE VOTERS RIGHT ACT / SECTION (5) BUT FAIL TO REPORT, OR PREVENT THE DEFENDANTS FROM WRONG DOING, NEGLECTED OR REFUSED.
- (iii) THE MOTIVATION BEHIND THE CONSPIRACY WAS RACE-BASED WHICH VIOLATED PETITIONER'S EQUAL PROTECTION RIGHTS.

THE PETITIONER WILL PROVE ALL ELEMENTS REQUIRED TO PREVAIL  
ON THE 42 U.S.C. 1985(2) 1985(3) CLAIMS AGAINST THE DEFENDANTS.

THE PETITIONER WILL PROVE AND DEMONSTRATE EVERY PERSON WHO  
HAD KNOWLEDGE THAT ANY OF THE WRONGS CONSPIRED TO BE DONE, OR  
ABOUT TO BE COMMITTED, AND HAVING THE POWER TO PREVENT, OR AID IN  
PREVENTING THE COMMISSION OF THE SAME, NEGLECTS OR REFUSES TO DO SO.  
UNDER 42 U.S.C. 1986

THE LEGISLATIVE FRAUD, AND OTHER CLAIMS AGAINST DEFENDANTS WAS  
NOT DISCOVERED UNTIL JUNE 26, 2018 . . . . THE CLAIMS DATES BACK TO  
AT LEAST 2016 . . . . THE PERIOD BETWEEN YEAR 2011 THROUGH 2014 IS  
EQUITABLE TOLLED WHICH THE HONORABLE COURT DECLARED ELEVEN HOUSE  
DISTRICTS WERE UNCONSTITUTIONALLY GERRYMANDED,

THE DEFENDANTS WILL BE SUED FOR MONEY DAMAGES IN THEIR  
PERSONAL CAPACITIES ONLY . . IF AN AGREEMENT NOT REACHED  
THE PETITIONER WILL BE REQUESTING A JURY TRIAL.

AT ALL TIMES EACH DEFENDANT ACTED UNDER COLOR OF STATE LAW.



## CONCLUSION

THE RACIAL GERRYMANDERING IS PROHIBITED WHICH WAS PURCHASED AT THE PRICE OF IMMEASURABLE HUMAN SUFFERING, AND IT REFLECTS OUR NATIONS UNDERSTANDING THAT SUCH CLASSIFICATIONS ULTIMATELY HAVE A DESTRUCTIVE IMPACT ON THE INDIVIDUAL AND OUR SOCIETY.

THE RACIAL SORTING OF VOTERS VIOLATED THE CITIZENS EQUAL PROTECTIONS [B]UT CREATED A STATE SPONSORED DEPRIVATION OF THE PLAINTIFFS EQUAL PROTECTION AND DUE PROCESS RIGHTS UNDER 28 U.S.C. 2244(d)(1)(B)

FURTHER . . . BECAUSE THE DISTRICT LINES WERE UNCONSTITUTIONALLY DRAWN AND THE PREDOMINATE FACTOR WAS RACE-BASED.

THE REPUBLICAN PARTY MAINTAINED THE SEAT MAJORITY WITHIN THE HOUSE OF DELEGATES BY FRAUD WHICH DEPRIVED THE FAIR PROCESS THAT HINDERED THE PLAINTIFF FROM FILING AN APPLICATION FOR WRIT OF HABEAS CORPUS ON LEGISLATION THAT WOULD OF PASSED.

REPUBLICAN PARTY OF VIRGINIA TARGETED THE LARGE POPULATION OF BLACK VOTERS WHICH THE HONORABLE COURT MAY INFER THAT RACE WAS THE PREDOMINATE FACTOR IN THE CONSPIRACY TO PREVENT, OR HINDER THE PETITIONER FROM SECURING A CONSTITUTIONAL RIGHT.

HAD IT NOT BEEN FOR THOSE TWELVE INDIVIDUAL VOTERS TO FILE THE CIVIL ACTION SUIT AGAINST THE DEFENDANTS THE HOUSE DISTRICT LINES WOULD STILL BEEN UNCONSTITUTIONAL.

## JURISDICTION

- 1) THE CIVIL ACTION THE PLAINTIFF PLANS TO FILE WILL BE AUTHORIZED  
By 42 U.S.C. 1983, 1985(2) AND (3), AND 42 U.S.C. 1986,  
TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS  
SECURED BY THE CONSTITUTION OF THE UNITED STATES, THE COURT HAS JURISDICTION  
UNDER 28 U.S.C. SECTION 1331 AND 1343(A)(3)
- (2) THE COURT HAS SUPPLEMENTAL JURISDICTION OVER PLAINTIFF'S STATE LAW CLAIMS  
UNDER 28 U.S.C. SECTION 1367.
- (3) THE PLAINTIFF WILL BE SEEKING \$500.00 COMPENSATORY DAMAGES  
AND \$500,000 PUNITIVE DAMAGES FROM EACH CLAIM AGAINST DEFENDANTS.  
IN THEIR PERSONAL CAPACITIES ONLY. INCLUDING EXPENSES PAID TO BRING  
THIS CIVIL ACTION.
- (4) THE HONORABLE COURT IS CURRENTLY CONSIDERING THE QUESTION WHETHER  
AN ISSUE OF SUBJECT MATTER JURISDICTION OF THE COURT.
- (5) THE PLAINTIFF IS CONFIDENT ABOUT HAVING LEGAL STANDING TO FILING A  
LAWSUIT ONCE THE COURT EVALUATE MEMORANDUMS SUBMITTED.
- (6) PLAINTIFF REQUEST VIDEO CONFERENCE IF DEEMED APPROPRIATE.

UNDER PENALTY OF PERJURY ALL INFORMATION PROVIDED IS TRUE AND CORRECT